

ORIGINAL

Stanley S. Zinner  
58 South Service Road, Suite 410  
Melville, NY 11747  
Tel: 631.414.7730  
Fax: 631.414.7732

Stephen F. Roth  
Jonathan A. David  
Steven L. Procaccini  
Orville R. Cockings  
LERNER, DAVID, LITTENBERG,  
KRUMHOLZ & MENTLIK, LLP  
600 South Avenue West  
Westfield, NJ 07090-1497  
Tel: 908.654.5000  
Fax: 908.654.7866

FILED  
U.S. DISTRICT COURT  
2008 MAR 20 P 1:03  
S.D. OF N.Y. W.P.

*Attorneys for Defendant Digital Technology Licensing LLC*

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

MOTOROLA, INC.,

Plaintiff,

v.

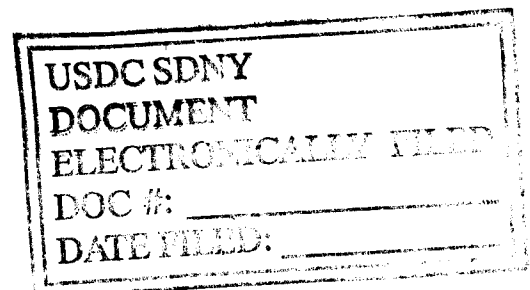
DIGITAL TECHNOLOGY LICENSING LLC,

Defendant/Counterclaimant.

:  
:  
: Civil Action No. 07-10436 (CLB)(GAY)  
:  
: District Judge Charles L. Brieant  
:  
: **NOTICE OF MOTION TO ADMIT**  
: **STEPHEN F. ROTH TO PRACTICE**  
: **PRO HAC VICE**


x

TO: Michael I. Cohen, Esq.  
Kirkland & Ellis LLP  
200 East Randolph Drive  
Chicago, IL 60601-6636



**PLEASE TAKE NOTICE** that upon the annexed affidavit of movant in support of this motion and the Certificate of Good Standing annexed thereto, we will move this Court before The Honorable Charles L. Brieant at the United States Courthouse for the Southern District of New York, pursuant to Rule 1.3(c) of the Local Rules of the United States District Court for the Southern and Eastern Districts of New York for an Order allowing the admission of movant, a partner in the firm of Lerner, David, Littenberg, Krumholz & Mentlik, LLP and a member in good standing of the Bar of the State of New Jersey, as attorney *pro hac vice* to argue or try this case in whole or in part as counsel to defendant Digital Technology Licensing LLC. There are no pending disciplinary proceedings against Stephen F. Roth in any state or federal court.

Respectfully submitted,

 (SP 1044)  
Steven L. Procaccini  
LERNER, DAVID, LITTENBERG,  
KRUMHOLZ & MENTLIK, LLP  
*Attorneys for Defendant Digital  
Technology Licensing LLC*  
600 South Avenue West  
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SOUTHERN DISTRICT OF NEW YORK

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Plaintiff,

v.

DIGITAL TECHNOLOGY LICENSING LLC,

Defendant/Counterclaimant.

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:  
: Civil Action No. 07-10436 (CLB)(GAY)  
:  
: District Judge Charles L. Brieant  
:  
: **AFFIDAVIT OF STEVEN L.**  
: **PROCACCINI IN SUPPORT OF**  
: **DEFENDANT'S MOTION FOR**  
: **ADMISSION *PRO HAC VICE***  
x

I, STEVEN L. PROCACCINI, being duly sworn depose and state as follows:

1. I am an associate with Lerner, David, Littenberg, Krumholz & Mentlik, LLP, located at 600 South Avenue West, Westfield, New Jersey 07090-1497.

2. I was admitted to the New Jersey State Court and New York State Court Bars in 2003, and the United States District Court for the Southern District of New York in 2004.

3. I am a member in good standing of each of the aforementioned Bars.

4. Stephen F. Roth is a member in good standing of the Bars of the State of New Jersey and the United States District Court for the District of New Jersey.

5. Mr. Roth has never been denied admission or disciplined by this Court or any other court.

6. WHEREFORE your affiant respectfully submits that Mr. Roth be permitted to appear as counsel and advocate *pro hac vice* in this case.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: March 13, 2008

By:  (SP 1044)  
Steven L. Procaccini

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: Civil Action No. 07-10436 (CLB)(GAY)  
:  
: District Judge Charles L. Brieant  
:  
: **AFFIDAVIT OF STEPHEN F. ROTH**  
: **IN SUPPORT OF DEFENDANT'S**  
: **MOTION TO APPEAR *PRO HAC***  
: ***VICE***  
X

I, STEPHEN F. ROTH, being duly sworn, depose and state as follows:

1. I am a partner in the law firm of Lerner, David, Littenberg, Krumholz & Mentlik, LLP.

2. I submit this affidavit in support of my motion for admission to practice *pro hac vice* in the above-captioned matter.

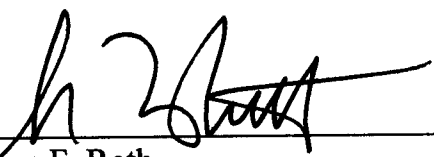
3. As shown in the Certificate of Good Standing annexed hereto, I am a member in good standing of the Bar of the State of New Jersey.

4. There are no pending disciplinary proceedings against me in any state or federal court.

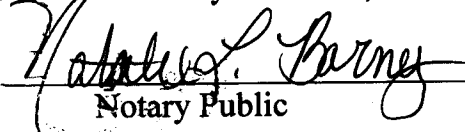
5. I request that this Honorable Court grant the attached motion admitting me *pro hac vice* before this Honorable Court.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: 3/13/08

  
Stephen F. Roth  
LERNER, DAVID, LITTENBERG,  
KRUMHOLZ & MENTLIK, LLP  
Attorneys for Defendant Digital  
Technology Licensing LLC  
600 South Avenue West  
Westfield, NJ 07090-1497  
Tel: 908.654.5000  
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Subscribed and sworn to before  
me this 13th day of March, 2008.

  
Notary Public  
NATALIE L. BARNEY  
A Notary Public of New Jersey  
My Commission Expires February 24, 2009

# Supreme Court of New Jersey

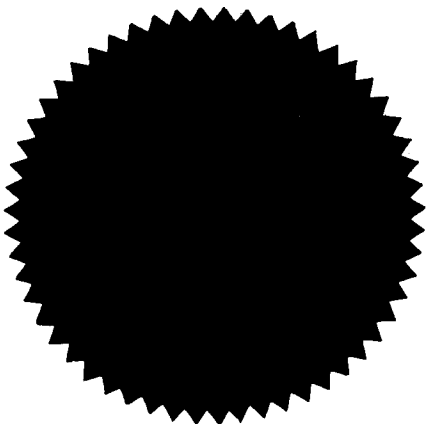


## Certificate of Good Standing

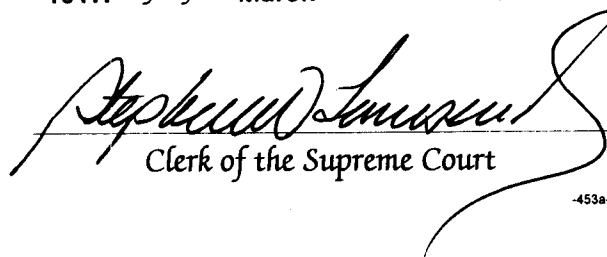
This is to certify that **STEPHEN F ROTH**  
(No. **017861993** ) was constituted and appointed an Attorney at Law of New  
Jersey on **December 21, 1993** and, as such,  
has been admitted to practice before the Supreme Court and all other courts of this State  
as an Attorney at Law, according to its laws, rules, and customs.

I further certify that as of this date, the above-named is an Attorney at Law in  
Good Standing. For the purpose of this Certificate, an attorney is in "Good Standing"  
if the Court's records reflect that the attorney: 1) is current with all assessments  
imposed as a part of the filing of the annual Attorney Registration Statement, including,  
but not limited to, all obligations to the New Jersey Lawyers' Fund for Client  
Protection; 2) is not suspended or disbarred from the practice of law; 3) has not  
resigned from the Bar of this State; and 4) has not been transferred to Disability  
Inactive status pursuant to Rule 1:20-12.

*Please note that this Certificate does not constitute confirmation of an attorney's  
satisfaction of the administrative requirements of Rule 1:21-1(a) for eligibility to  
practice law in this State.*



In testimony whereof, I have  
hereunto set my hand and  
affixed the Seal of the  
Supreme Court, at Trenton, this  
10TH day of March , 20 08

  
Clerk of the Supreme Court

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: Civil Action No. 07-10436 (CLB)(GAY)  
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: District Judge Charles L. Brieant  
:  
: **[Proposed] ORDER GRANTING**  
: **STEPHEN F. ROTH ADMISSION TO**  
: **APPEAR *PRO HAC VICE***  
x

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The motion for admission to appear *pro hac vice* of Stephen F. Roth in the above-captioned matter is granted. The admitted attorney Stephen F. Roth is permitted to argue or try this particular case in whole or in part as counsel or advocate.

An attorney admitted to practice *pro hac vice* is required to pay a \$25.00 attorney admission fee and present this Order to the intake deputy clerk in the Clerk's office.



When paying by mail, return a copy of this Order to the Clerk's office with the required fee.

This Order confirms your appearance as counsel in this case, and it will be entered on the Court's docket. A notation of your admission *pro hac vice* for the above-captioned case will be made on the roll of attorneys.

The attorney admitted *pro hac vice* must serve a copy of this Order on all other counsel in this case.

**SO ORDERED:**

Dated: \_\_\_\_\_  
White Plains, NY

\_\_\_\_\_  
Charles L. Brieant, U.S.D.J.

**CERTIFICATE OF SERVICE**

I hereby certify that a true copy of the following documents:

1. NOTICE OF MOTION TO ADMIT STEPHEN F. ROTH TO PRACTICE *PRO HAC VICE*;
2. AFFIDAVIT OF STEVEN L. PROCACCINI IN SUPPORT OF DEFENDANT'S MOTION FOR ADMISSION *PRO HAC VICE*,
3. AFFIDAVIT OF STEPHEN F. ROTH IN SUPPORT OF DEFENDANT'S MOTION TO APPEAR *PRO HAC VICE*, with Supreme Court Of New Jersey Certificate Of Good Standing For Stephen F. Roth; and
4. [Proposed] ORDER GRANTING STEPHEN F. ROTH ADMISSION TO APPEAR *PRO HAC VICE*,

is being served upon the following counsel of record this 13th day of March, 2008, as follows:

**VIA FIRST-CLASS MAIL**

Michael I. Cohen, Esq.  
Kirkland & Ellis LLP  
200 East Randolph Drive  
Chicago, Illinois 60601-6636

*Attorneys for Plaintiff Motorola, Inc.*

  
Steven L. Procaccini

DTL 6.0-006  
Civil Action No. 07-10436 (CLB) (GAY)